

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 13-18 and 31-40 are pending in the application, with 13, 31 and 37 being the independent claims. Claims 13, 16, 31, 34 and 37-39 are sought to be amended. Claim 41 is sought to be cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 1-12, 19-30 and 42 were previously cancelled without prejudice to or disclaimer of the subject matter recited therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 37-38 and 40-41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,748,533 to Wu *et al.* ("Wu"). With respect to claim 41, by the foregoing amendments this claim has been cancelled without prejudice to or disclaimer of the subject matter recited therein, thereby rendering the rejection of this claim moot. With respect to claims 37-38 and 40, Applicants respectfully traverse based on the foregoing amendments and the following remarks.

As currently amended, claim 37 recites a counterfeit resistant article, comprising:

- a framing image;
- a first randomly-generated pattern of particles readable based on the framing image to generate a first data set; and

a second marking readable to generate a second data set,
wherein said first data set and said second data set are
related according to a predefined relationship.

Wu does not teach or suggest each and every feature of claim 37. Wu is generally directed to "verifying the authenticity of an electronic document or article." *See* Wu, column 5 lines 60-61. Wu teaches encrypting information printed on an article (e.g., a passport) to generate an invisible watermark. *See* Wu at the Abstract. Wu teaches that the information can be derived from printed language that appears on the article (e.g., "Name of Country" printed on a passport) or from "invariant features of [a] facial image." *See* Wu, column 12 lines 54-66. Accordingly, Wu does not teach or fairly suggest, for example, "a first randomly-generated pattern of particles readable based on the framing image to generate a first data set" as claim 37 recites.

Because Wu does not teach or suggest each and every feature of claims 37, Wu cannot anticipate this claim. Furthermore, because claims 38 and 40 depend from claim 37 (and therefore contain each and every feature of claim 37), Wu does not teach or suggest each and every feature of those claims. Therefore, Applicants respectfully request that the rejections of claims 37-38 and 40 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 13-17 and 31-35 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,069,955 to Coppersmith *et al.* ("Coppersmith") and further in view of U.S. Patent No. 3,691,350 to Kuhns *et al.* ("Kuhns"). Based on the foregoing amendments and the following comments, Applicants respectfully traverse.

As currently amended claim 13 recites a method of identifying counterfeit articles. The method includes the following steps:

acquiring a framing image disposed on an article to establish a frame of reference;
reading a first pattern disposed on the article based on the framing image, wherein the first pattern comprises randomly distributed particles;
reading a second pattern disposed on the article;
converting said first pattern and said second pattern into a corresponding first data set and second data set; and
comparing said first and second data sets to each other.

Coppersmith and Kuhns alone or in combination do not teach or suggest each and every feature of claim 13. According to Coppersmith, "a visible label" and "a hidden label" are attached to a visible and a hidden location of a product that is highly susceptible to counterfeiting. *See* Coppersmith, column 3 lines 20-26 and 47-49. According to Kuhns, two coded portions are disposed on an article to reduce counterfeiting, wherein the two coded portions include "two separate binary codes within [a] single coded portion [of an article], one being visible to the naked eye and one being invisible to the naked eye." *See* Kuhns column 2, lines 22-24. Consequently, neither Coppersmith or Kuhns teach or fairly suggest, for example, "reading a first pattern disposed on the article based on the framing image, wherein the first pattern comprises randomly distributed particles" as claim 13 recites.

Claim 31 recites a system for practicing the method recited in claim 13. Accordingly, Coppersmith and Kuhns do not teach or fairly suggest each and every feature of claim 31 for at least the same reasons as set forth above with respect to claim 13.

Because Coppersmith and Kuhns, alone or in combination, do not teach or suggest each and every feature of independent claims 13 and 31, the combination of Coppersmith and Kuhns fail to support a *prima facie* obviousness rejection of these

claims. Furthermore, dependent claims 14-17 and 32-35, which depend from independent claims 13 and 31, respectively, are also not rendered obvious by the combination for at least the same reasons as the independent claims and further in view of the respective features of the dependent claims. Accordingly, the Examiner's rejections of claims 13-17 and 31-35 under 35 U.S.C. § 103(a) are traversed and Applicants respectfully request that these rejections be reconsidered and withdrawn.

The Examiner has rejected claims 18 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Coppersmith and Kuhns as applied to claims 13 and 31, and further in view of U.S. Patent No. 5,867,586 to Liang ("Liang"). Based on the foregoing amendments and the following comments, Applicants respectfully traverse.

As respectfully submitted above, Coppersmith and Kuhns, either alone or in combination, do not teach or suggest each and every feature of independent claims 13 and 31. The above-described shortcomings of Coppersmith and Kuhns are not remedied by the teachings of Liang. Liang is directed to an authentication system that combines a source of ultraviolet light with an apparatus for capturing and recognizing either graphic images or characters or both. *See* Liang, column 4 lines 20-27. Consequently, Liang does not teach or suggest, for example, "reading a first pattern disposed on the article based on the framing image, wherein the first pattern comprises randomly distributed particles" as recited in both claims 13 and 31.

Because Coppersmith, Kuhns and Liang, alone or in combination, do not teach or suggest each and every feature of independent claims 13 and 31, the combination of Coppersmith, Kuhns and Liang fail to support a *prima facie* obviousness rejection of these claims. Furthermore, dependent claims 18 and 36, which depend from claims 13

and 31, respectively, are also not rendered obvious by the combination for at least the same reasons as the independent claims and further in view of the respective features of the dependent claims. Accordingly, the Examiner's rejections of claims 18 and 36 under 35 U.S.C. § 103(a) is traversed and Applicants respectfully request that these rejections be reconsidered and withdrawn.

The Examiner has rejected claim 39 under 35 U.S.C. § 103(a) as unpatentable over Wu as applied to claim 37 and further in view of Liang. Based on the foregoing amendments and the following comments, Applicants respectfully traverse.

As respectfully submitted above, Wu does not teach or suggest each and every feature of independent claim 37. The above-described shortcomings of Wu are not remedied by the teachings of Liang. For example, Liang does not teach or fairly suggest “a first randomly-generated pattern of particles readable based on the framing image to generate a first data set” as claim 37 recites.

Because Wu and Liang, alone or in combination, do not teach or suggest each and every feature of independent claim 37, the combination of Wu and Liang fail to support a prima facie obviousness rejection of this claim. Furthermore, dependent claim 39 is also not rendered obvious by the combination for at least the same reasons as the independent claim from which it depends and further in view of its own features. Accordingly, the Examiner's rejection of claim 39 under 35 U.S.C. § 103(a) is traversed and Applicants respectfully request that this rejection be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the

Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'J. S. Weaver', followed by a horizontal line.

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